IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

Crl.MC.No. 2635 of 2007()

ST.588/04 OF Judicial Magistrate of the First Class-I, PONNANI

PETITIONER: ACCUSED

JAYACHANDRAN,
MANGALATH HOUSE, CHIRAKKAL,
THANNUR.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: STATE & COMPLAINANT

STATE OF KERALA REP.BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2635 of 2007

Dated this the 18th day of August, 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. The trial case has been registered as early as in 2004. It continues to be pending. The petitioner had appeared before the learned Magistrate and was enlarged on bail. But he has not been appearing before the learned Magistrate. Consequently, a warrant of arrest has been issued against the petitioner. The petitioner finds such warrant chasing him.

2. According to the petitioner, he is absolutely innocent. His absence was not wilful and was for reasons beyond his control. The petitioner is willing to surrender before the learned Magistrate. But he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not

consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-